

347—220.226(91D) Training time.

220.226(1) The general rules for determining the compensability of training time under the federal Fair Labor Standards Act are set forth in 29 CFR 785.27 through 785.32.

220.226(2) While time spent in attending training required by an employer is normally considered compensable hours of work, following are situations where time spent by employees of governments in required training is considered to be noncompensable:

a. Attendance outside of regular working hours at specialized or follow-up training, which is required by law for certification of public and private sector employees within a particular governmental jurisdiction (e.g., certification of public and private emergency rescue workers), does not constitute compensable hours of work for public employees within that jurisdiction and subordinate jurisdictions.

b. Attendance outside of regular working hours at specialized or follow-up training, which is required for certification of employees of a governmental jurisdiction by law of a higher level of government, does not constitute compensable hours of work.

c. Time spent in the training described in 220.226(1) “*a*” or “*b*” is not compensable, even if all or part of the cost of the training is borne by the employer.

220.226(3) Police officers or firefighters, who are in attendance at a police or fire academy or other training facility, are not considered to be on duty during those times when they are not in class or at a training session, if they are free to use such time for personal pursuits. The free time is not compensable.

SOURCE: 29 CFR 553.226.